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HUMAN RIGHTS COMMITTEE

Sixty-sixth session

SUMMARY RECORD OF THE 1780th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 29 July 1999, at 10 a.m.

Chairperson: Mr. BHAGWATI
(Vice-Chairperson)

later: Ms. MEDINA QUIROGA
(Chairperson)

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In the absence of Ms. Medina Quiroga, Mr. Bhagwati (Vice-Chairperson) took the Chair.

The meeting was called to order at 10.10 a.m.

ANNUAL REPORT OF THE COMMITTEE TO THE GENERAL ASSEMBLY THROUGH THE ECONOMIC AND SOCIAL COUNCIL UNDER ARTICLE 45 OF THE COVENANT AND ARTICLE 6 OF THE OPTIONAL PROTOCOL (agenda item 9) (CCPR/C/66/CRP.1/Add.2/Rev.1, Add.1/Rev.1, Add.3/Rev.1, Add.4 and Add.5)

1. Lord COLVILLE (Rapporteur), introducing the draft annual report of the Committee, said that only minor amendments had been made to the reports on the sixty-fourth and sixty-fifth sessions prepared by Ms. Chanet and Ms. Evatt. However, the former chapters II and III had been brought together in a single chapter.

2. The CHAIRPERSON invited Committee members to adopt the draft annual report chapter by chapter. As chapter I was not yet available in all the working languages of the Committee, he invited Committee members to consider chapter II first.

Chapter II (CCPR/C/66/CRP.1/Add.2/Rev.1)

Paragraphs 43, 44 and 45

3. Mr. SCHEININ proposed that, in the third sentence of paragraph 44, "lists of questions" should be replaced by "lists of issues" and the phrase "as far as possible" should be inserted after the word "henceforth".

4. Ms. EVATT proposed that the term "list of issues" should also be used in the last sentence of paragraph 44.

5. The proposals by Mr. Scheinin and Ms. Evatt were approved.

6. Paragraphs 43, 44 and 45, as orally amended, were adopted.

Paragraph 46

7. Following a discussion in which Mr. POCAR, Mr. LALLAH, Mr. KLEIN, Mr. SOLARI YRIGOYEN, Mr. AMOR, Lord COLVILLE and the CHAIRPERSON took part, the CHAIRPERSON said he believed that the Committee as a whole wished to delete the current wording, which did not reflect reality, and to replace it with a new paragraph referring only to the eleventh meeting of Chairpersons of the Human Rights Treaty Bodies.

8. Mr. LALLAH suggested that the new paragraph could mention that the Committee had found the eleventh meeting of Chairpersons valuable as a forum for the exchange of ideas and

information on procedural and logistical questions, particularly with regard to the need to ensure that there were sufficient services to enable the various treaty bodies to perform their mandates properly.

9. Paragraph 46, as orally amended, was adopted.

Paragraph 47

10. Paragraph 47 was adopted.

Paragraphs 48, 49 and 50

11. Ms. EVATT observed that reference was made in paragraph 48 to a letter sent to the High Commissioner for Human Rights, and suggested that it should be mentioned that no reply had been made to that letter.

12. Lord COLVILLE said that Ms. Evatt's suggestion would be taken into account.

13. Mr. LALLAH pointed out that it was stated in paragraph 49 that "A joint Plan of Action ... [had been] endorsed by the Chairpersons", but that was incorrect, nor did the paragraph reflect the concerns of the Committee with regard to the plan of action in question.

14. Ms. CHANET said she was personally against the very principle of having a joint plan of action for the three Committees.

15. Mr. SOLARI YRIGOYEN supported Ms. Chanet, emphasizing that institutionalized coordination between the three Committees was not desirable.

16. Following a discussion on the best way to express the concerns of the Committee, in which Ms. EVATT, Mr. YALDEN, Mr. LALLAH, Ms. CHANET, Mr. KLEIN, Mr. AMOR and Lord COLVILLE took part, Lord COLVILLE said that paragraphs 48 and 49 would be merged in a single paragraph 48. The new paragraph would consist of the first sentence of the old paragraph 48, the first sentence of the old paragraph 49, and the following sentence: "The Committee, however, has had difficulty in endorsing the idea of a joint plan of action and indeed some aspects of the plan of action given its effects on the Committee's work."

17. Paragraphs 48, 49 and 50, as orally amended, were adopted.

18. Chapter II (CCPR/C/66/CRP.1/Add.2/Rev.1) was adopted.

19. The CHAIRPERSON invited Committee members to consider chapter I of the draft annual report, which was now available in all the working languages.

Chapter I (CCPR/C/66/CRP.1/Add.1/Rev.1)

20. Lord COLVILLE said that the name of Mr. Kretzmer should be added to the list of members of the Working Group in paragraph 20. He also drew the attention of Committee

members to the second sentence of paragraph 36, which was printed in bold in the English and Spanish versions. Given the seriousness of the problem - the summary records of the fifty-ninth session of the Committee, held in New York in 1997, had apparently still not been issued - he would like that sentence to be printed in bold in all the language versions of the annual report.

Paragraph 1

21. Ms. EVATT suggested that the penultimate sentence should be inserted after the first one. With regard to the second endnote, she recalled that the Committee had had a long discussion on where to include the references to denunciations of the Optional Protocol, and had finally decided to mention that issue in a note at the end of the chapter. She hoped that the Committee would stand by its decision and follow the system it had used in the previous annual report (A/53/40). The note should therefore mention the denunciation of the Optional Protocol by Guyana, giving the date on which that step had taken effect, and it should also mention the situation concerning Trinidad and Tobago.

22. Paragraph 1, as orally amended, was adopted.

Paragraphs 2 and 3

23. Paragraphs 2 and 3 were adopted.

Paragraph 4

24. Ms. CHANET said she would like to retain the system of giving the symbols of documents in which the reservations and other declarations made by States parties were to be found.

25. Paragraph 4, as orally amended, was adopted.

Paragraphs 5 to 12

26. Paragraphs 5 to 12 were adopted.

Paragraph 13

27. Ms. CHANET said she had some reservations about the contents of paragraph 13. To begin with, the first sentence would need to be changed, as the Bureau had met not once but three times a week during its sixty-sixth session. The second sentence then appeared to lay down guidelines for the Bureau. In fact, the appropriate place in which to give such guidelines was the rules of procedure of the Committee, but they contained no such provision. The only point that might be raised in paragraph 13 concerned the decision adopted by the Committee at its sixty-fifth session, whereby the Bureau would meet outside regular meeting hours if interpretation was available, if it was not available, the Bureau would meet during regular meeting hours.

28. Mr. AMOR said he shared the views of Ms. Chanet.

29. Lord COLVILLE said the paragraph would be rewritten to take Ms. Chanet's comments into account.

30. Paragraph 13, as orally amended, was adopted.

Paragraphs 14 to 17

31. Paragraphs 14 to 17 were adopted.

Paragraph 18

32. Mr. YALDEN said that the third sentence in paragraph 18 could give the impression that the Working Group had studied the Committee's working methods together with representatives of the specialized agencies, subsidiary bodies and non-governmental organizations. To remove the ambiguity, he proposed that the third sentence should be split in two, ending after the words "the Committee's working methods", and that the adverb "systematically" should be deleted.

33. Mr. POCAR suggested that the reference to periodic reports in the third sentence should be deleted, since the Working Group also dealt with issues relating to the initial reports of States parties.

34. Paragraph 18, as orally amended, was adopted.

Paragraphs 19 to 21

35. Paragraphs 19 to 21 were adopted.

Paragraph 22

36. Paragraph 22 was adopted.

Paragraph 23

37. Mr. SOLARI YRIGOYEN said the paragraph should be limited to a mention of the informal meeting on 23 March 1999 between Ms. Anne Bayefsky and Committee members on the study requested by the High Commissioner for Human Rights and the progress made so far; the paragraph could even be quite simply deleted.

38. Mr. AMOR, Ms. EVATT, Mr. KLEIN, Mr. POCAR, Ms. CHANET and Mr. YALDEN agreed with Mr. Solari Yrigoyen.

39. Paragraph 23 was deleted.

Paragraph 24

40. Mr. ANDO proposed that the words "Normative Multilateral Treaties including" should be deleted from the end of the first sentence.

41. Mr. POCAR proposed that the penultimate sentence should be shortened to read: "It is apparent from Mr. Pellet's Fourth Report of 25 March 1999 (A/CN.4/499, para. 10) that other treaty bodies have adopted a similar position to that set out in the Committee's letter." He also proposed that the last sentence of the paragraph should be deleted.

42. Paragraph 24, as orally amended, was adopted.

Paragraph 25

43. Paragraph 25 was adopted.

Paragraphs 26, 27, 28 and 29

44. Mr. SCHEININ said that paragraphs 26 to 29 did not stress sufficiently States parties' obligations under the Covenant in the event of a derogation from its provisions. To remedy that shortcoming, he suggested that the following proviso, drawn from article 4 of the Covenant, should be added at the end of the first sentence of paragraph 26: "provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin." The Committee's role in cases of derogation, which was dealt with in paragraph 27, should be clarified by adding the following phrase, also based on the wording of article 4 of the Covenant: "including the obligation not to derogate from their obligations except to the extent strictly required by the exigencies of the situation."

45. Mr. POCAR said he did not dispute the importance of the subject dealt with - for the first time - in section J, but it might be premature to broach the matter when the general comment on article 4 announced by the Committee in its previous report was still being drafted by Mr. Scheinin. In his opinion, it was questionable whether it would be a good idea to retain all of section J.

46. Mr. ANDO agreed with Mr. Pocar.

47. Paragraphs 26 to 29 were deleted.

Paragraph 30

48. Mr. KLEIN said the Committee should limit paragraph 30 to the statement of facts on the situation in Guatemala and Ecuador and should bear in mind the rest of the paragraph and section J when drafting its general comment on article 4.

49. Mr. LALLAH agreed with Mr. Klein.

50. Paragraph 30, as orally amended by Mr. Klein, was adopted.

51. Ms. MEDINA QUIROGA took the Chair.

Paragraph 31

52. Mr. SCHEININ said the sentence in brackets at the end of the paragraph should be replaced by a sentence pointing out that the draft had been distributed to the Committee at its sixty-sixth session in all the working languages. He recalled, moreover, that in paragraphs 440 and 460 of the previous annual report the rapporteurs appointed by the Committee had been mentioned by name. That example should be followed.

53. Paragraph 31 was adopted, subject to the amendments proposed by Mr. Scheinin.

Paragraph 32

54. Paragraph 32 was adopted.

Paragraph 33

55. Ms. CHANET proposed that the word "expressed", in the first line of paragraph 33, should be replaced by the word "shown". Furthermore, the whole of the second part of the second sentence, from "which are reflected" onwards, did not belong in that paragraph, unless Mrs. Robinson had herself actually told the Committee that its request was indeed so reflected, in which case the second sentence should end with the words "the biennium 2000-2001" and a new sentence should begin with the words "The High Commissioner informed the Committee ..."

56. The CHAIRPERSON said that should present no difficulty. She also pointed out that the reference to the sixty-sixth session had been deleted from the second sentence.

57. Paragraph 33, as orally amended, was adopted.

Paragraph 34

58. Paragraph 34 was adopted.

Paragraph 35

59. Mr. ANDO proposed that, in the first sentence, it should be made clear that the Committee was reiterating concerns it had been expressing for some time.

60. Mr. AMOR said it was not always necessary for a document to be edited if editing would delay the distribution of the document. The important thing was that reports should be available to the Committee in good time. While the simultaneous distribution of documents in all the working languages of the Committee was a fundamental principle of United Nations practice, the Committee should be able to apply a certain amount of pragmatism.

61. Ms. EVATT said she did not think it was a good idea to include the request contained in the last sentence of paragraph 35. The paragraph could conclude with the preceding sentence,

after that sentence had been modified in such a way as to show that the Committee preferred, wherever possible, reports from States parties to be sent to the translation services without having been edited, in order to avoid delays.

62. Following a discussion in which Mr. LALLAH, Ms. CHANET, Lord COLVILLE and Mr. POCAR took part, it was decided that the first sentence of the paragraph would end with the words "as a consequence of delays in editing and translation" (after "reports by States parties"). The next sentence would begin with the words "In this connection the Committee notes its preference that", and then continue: "reports of States parties should be submitted, whenever possible, for translation without editing". The rest of the paragraph was to be deleted.

63. Paragraph 35, as orally amended, was adopted.

Paragraph 36

64. Paragraph 36 was adopted.

Paragraph 37

65. Ms. EVATT noted that paragraph 37 referred to volume II of the annual report of the Committee for 1997 but, as far as she knew, that volume had not been issued. She would like the secretariat to carry out the necessary checks in that connection.

66. Paragraph 37 was adopted, subject to the checks to be carried out by the secretariat.

Paragraph 38

67. Paragraph 38 was adopted.

Paragraph 39

68. Mr. YALDEN, referring to the last two sentences of paragraph 39, said there was no need, in his opinion, to mention the Web site of the Office of Legal Affairs and the fact that there was a charge for access to that site. He therefore proposed that the last two sentences should be replaced with the following sentence: "Reservations and other declarations made by a number of States parties are accessible on the Web site of the Office of the High Commissioner for Human Rights."

69. Paragraph 39, as orally amended, was adopted.

Paragraph 40

70. Mr. POCAR proposed that the last part of the second-last sentence of paragraph 40 should be deleted and that the first part of the sentence should be reworded to read: "The Committee asks that urgent efforts ...".

71. Paragraph 40, as orally amended, was adopted.

Paragraphs 41 and 42

72. Paragraphs 41 and 42 were adopted.

73. Chapter I (CCPR/C/66/CRP.1/Add.1/Rev.1), as orally amended, was adopted, subject to editorial amendments to be made by the secretariat.

Chapter III (CCPR/C/66/CRP.1/Add.3/Rev.1)

74. Lord COLVILLE said the chapter contained essentially factual information and its adoption should present no difficulties. With regard to the States parties listed in paragraph 54 whose reports were more than five years overdue, he stressed that the date 1 August 1999 had been added so that the number of years' delay could be calculated on the basis of a single date for all States parties, thereby avoiding any distortions that might arise, for example, by attributing a further year's delay to some States parties for the sake of a few days.

Paragraph 51

75. Mr. SCHEININ, referring to the last sentence of paragraph 51, said that since the Committee at its current session had adopted new guidelines on the reports to be submitted by States parties and the periodicity of five years had thereby been eliminated, the last sentence of the paragraph could be reworded to read: "In accordance with the current guidelines of the Committee on the submission of reports by States parties, adopted at its sixty-sixth session, the date for the next periodic report by a State party is set at the end of the Committee's concluding observations on any report under article 40 of the Covenant".

76. Paragraph 51, as orally amended, was adopted.

Paragraph 52

77. Ms. EVATT proposed that, in order not to offend anyone's sensibilities, the last sentence of the paragraph should say that the People's Republic of China had submitted "the" first report on the Special Administrative Region of Hong Kong, rather than "its" first report.

78. Mr. SCHEININ proposed that the phrase "the Committee received twelve ... reports", in the first sentence, should be replaced by the wording "twelve ... reports were submitted to the Committee".

79. Mr. LALLAH, noting that there were often considerable delays in the submission of reports to the Committee, proposed that section A should be entitled: "Reports received by the secretariat from August 1998 to July 1999".

80. Ms. CHANET said that since the Netherlands Antilles were not a sovereign State, "the Netherlands Antilles" should be replaced by "the Netherlands".

81. Paragraph 52, as orally amended, was adopted.

Paragraph 53

82. At the suggestion of Mr. AMOR, supported by Mr. POCAR, it was decided to delete the third sentence of paragraph 53.

83. Mr. POCAR proposed that the phrase "and non-compliance by States parties with their obligations under article 40 of the Covenant" should be added to the heading of section B, since paragraphs 56 and 57 of the draft dealt with that issue.

84. Paragraph 53, as orally amended, was adopted.

Paragraph 54

85. Ms. EVATT, referring to the list of States parties at the end of the paragraph, said it was not the custom of the Committee to count years overdue in half-years, as was done in the case of the special report requested of Rwanda.

86. Mr. POCAR proposed that there should be no reference at all to the number of years the special report requested of Rwanda was overdue, since the report was in fact not "overdue", but had simply not been submitted.

87. Paragraph 54, as orally amended by Mr. Pocar, was adopted.

Paragraph 55

88. Ms. EVATT said that paragraph 55 was repetitive and should be deleted.

89. Paragraph 55 was deleted.

Paragraph 56

90. Paragraph 56 was adopted.

Paragraph 57

91. Mr. WIERUSZEWSKI proposed that the phrase "into the languages of the Committee members", in the second-last sentence, should be replaced by the phrase "into the working languages of the Committee".

92. Ms. EVATT proposed that the last sentence of paragraph 57, which appeared to be superfluous, should be deleted.

93. Paragraph 57, as orally amended, was adopted.

94. Chapter III (CCPR/C/66/CRP.1/Add.3/Rev.1) was adopted.

Chapter IV (CCPR/C/66/CRP.1/Add.4)

95. Chapter IV (CCPR/C/66/CRP.1/Add.4) was adopted.

Chapter V (CCPR/C/66/CRP.1/Add.5)

Paragraph 1

96. Mr. KLEIN pointed out that the Committee had not formally adopted its General Comment 27 at the current session, as the draft had not been available in all the working languages of the Committee. He therefore proposed that the second sentence of paragraph 1 should be replaced by the following sentence: "At its sixty-sixth session, the Committee completed the second reading of the draft".

97. Paragraph 1, as orally amended, was adopted.

Paragraph 2

98. Ms. EVATT pointed out that no amendment to the general comment of the Committee on article 4 had been submitted at the sixty-sixth session. She therefore proposed that paragraph 2 of the draft should be deleted, as it served little purpose.

99. Paragraph 2 was deleted.

Paragraph 3

100. Lord COLVILLE proposed, in the light of the deletion of paragraph 2, that only the final sentence of paragraph 3, on the draft general comment on article 4 submitted by Mr. Scheinin, should be retained.

101. Paragraph 3, as orally amended, was adopted.

Paragraphs 4 and 5

102. Paragraphs 4 and 5 were adopted.

103. Chapter V (CCPR/C/66/CRP.1/Add.5) was adopted.

The meeting rose at 1 p.m.